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17 Attorneys for Plaintiff HP Tuners, LLC

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 HP TUNERS, LLC, a Nevada limited liability  
21 company,

22 Case No. 3:18-cv-00527-LRH-WGC

23 Plaintiff,

24 vs.

25 KENNETH CANNATA,

26 Defendant.

27 **STIPULATION TO WITHDRAW JURY  
DEMANDS AND TO PROCEED BY  
BENCH TRIAL**

28 Pursuant to Fed. R. Civ. P. 38(d), Plaintiff HP Tuners, LLC (“HP Tuners” or “Plaintiff”)  
29 and Defendant Kenneth Cannata (“Cannata” or “Defendant”) (together, the “Parties”), by and  
30 through their respective counsel, hereby file this Stipulation to Withdraw Jury Demands and to  
31 Proceed by Bench Trial.

32 1. In its Complaint for Injunctive Relief and Damages, Plaintiff demanded a jury trial  
33 consistent with Fed. R. Civ. P. 38(b) and LR 38-1. Docket No. 1.

1       2. In his Answer to Complaint for Injunctive Relief and Damages, Defendant  
2 demanded a jury trial pursuant to Fed. R. Civ. P. 38(b). Docket No. 45.

3       3. In the Joint Pretrial Order, the parties informed the Court of their intention to  
4 stipulate to waive their respective requests for a trial by jury in this matter and to proceed with a  
5 bench trial. Docket No. 171, p. 19, ll. 13-14.

6       4. Pursuant to Fed. R. Civ. P. 38(d), the Parties hereby withdraw their respective  
7 demands to proceed with trial by jury in this matter.

8       5. The Parties further stipulate and consent to proceed with a bench trial.

9       DATED this 9th day of December, 2022.

10      FLETCHER & LEE

SHEA LARSEN

11      /s/ Elizabeth Fletcher, Esq.  
12      ELIZABETH FLETCHER, ESQ.  
13      CECILIA LEE, ESQ.

14      /s/ Bart Larsen, Esq.  
15      BART LARSEN, ESQ.  
16      Attorney for Defendant, Kenneth Cannata

17      MARKS & KLEIN

18      /s/ Andrew P. Bleiman, Esq.  
19      ANDREW P. BLEIMAN, ESQ.  
20      Attorneys for Plaintiff HP Tuners, LLC

21      IT IS SO ORDERED.

22      DATED: \_\_\_\_\_

23      HONORABLE LARRY R. HICKS  
24      UNITED STATES DISTRICT JUDGE